UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,926	02/13/2001	Douglas R. Foster	41992-00405	1667

7590 09/21/2005	EXAMINER
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Suite 411	ART UNIT PAPER NUMBER
3151 South Vaughn Way	
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DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/782,926	FOSTER ET AL.
	Examiner	Art Unit
	HUNG Q. PHAM	2162

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

    4a) Of the above claim(s) *10-26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-9 and 27-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

•   Applicant's amendment of claims 5 and 28 with respect to the rejection

under 35 U.S.C. § 112, second paragraph, has been fully considered, but the claimed

said query viewing client tool still does not sufficient antecedent basis. Therefore, the

rejection of claims 5 and 28 is maintained.

•   Applicant's arguments of claims 1 and 27 with respect to the rejection

under 35 U.S.C. § 102 have been fully considered but they are not persuasive.

As argued by applicants:

(a)   *Namikata describes a desktop conferencing system in which conference participants can*
select documents from a list of documents for display in a two-layered document display area 53
having a document display layer 66 for displaying the conference document and draw layer 67
for displaying drawings made by the user with a pointer 54. (See e.g., Namikata, Col. 5, lines
26-40, FIGS. 5A-5D, and Col. 7, line 66 through Col. 8, line 17). Thus, the function of the
two-layered document display area 53 depicted in FIG. 5D of Namikata is to display conference
documents and drawings made by a participant. This is not the same as the functionality provided
by the data channel server in Applicant's invention. Also, there is no mention in Namikata that the
two-layered document display area 53 is created upon association of a document with a
conference as is the case with Applicant's data channel server.

(b)   *Namikata specifically teaches away from the type of collaboration enabled by Applicant's*
invention in which multiple participants are able to access and manipulate data from one or more
data sources at the same time to solve a problem. In this regard, Namikata does not disclose that
instances of the extended properties (e.g., the visualization and control properties) are
maintained by the data channel server that is created when a document is associated with a

conference, and when changes are made in one client tool interface to an extended property, these changes are reflected in the other client tool interfaces.

Examiner respectfully traverses because of the following reasons:

(a)   The function of data channel server as in claim 1 and 27 is *providing an interface between said at least one repository server and said at least one client tool.* As discloses by Namikata, a document-selecting unit 4 selects any document stored in the document-storing unit 3. The selected document is transmitted through network by transmitting unit 5 (Col. 4, Lines 30-36). In the receiving side apparatus, receiving unit 9 receives data of the conference documents, document list display unit 11 and document display unit 13 then list and display the conference documents (Col. 4, Line 52-Col. 5, Line 35). An image area of the document display unit 13 to which the document is displayed is formed with two-layered structure. In the two-layered structure, when one layer is used for displaying the conference document, the other layer can be used for writing image data (Col. 5, Lines 37-40). As seen, the two-layered structure as *at least one data channel server, said at least one data channel server being created when said at least one document is associated with said at least one conference* (an image area of the document display unit 13 is formed with two-layered structure), *said at least one data channel server providing an interface between said at least one repository server* (SELECTING UNIT 4) *and said at least one client tool* (DOCUMENT DISPLAY UNIT).

(b)   In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., *instances of the extended properties, e.g., the visualization and control properties*)) are not

recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re

Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As further disclosed by Namikata, a Pointer ON/OFF button 56 is a GUI

component for switching over, by click operation, between whether or not a pointer

should be displayed to the document display area 53 in the computer of other

participant. FIG. 5A shows a state that the user USER2 operates the common

document display process 42b using the third computer 33 (WS2) and clicks the Pointer

ON/OFF button 56 so that a telepointer 55 corresponding to the pointer of the USER2

will be displayed to the document display area 53 of the common document display

process 42a operated by the user USER1 (Col. 8, Lines 44-56). When the Pointer

ON/OFF button 56 is clicked again, the telepointer 55 is cleared from the document

display areas 53 of the other participants (Col. 9, Lines 1-3). As seen, telepointer as *at

least one extended property associated with each data item* is changed, and the changes made to

telepointer as *at least one extended property associated with each data item* in document display

area as *one of the client tool interfaces are reflected in* other document display area as *other

client tool interfaces by changing* Pointer ON/OFF as *instance of said at least one extended property

in said at least one conference with which the document is associated.*

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: *client tool interfaces* as in claims 1 and 27.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 28 recite the limitation *said query viewing client tool*. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As in claims 1 and 27, the claimed *wherein said a least one client tool is enabled to change said at least one extended property associated with each data item, and wherein changes made to said at least one extended property associated with each data item in one of the client tool interfaces are reflected in the other client tool interfaces by changing an instance of said at least one extended property in said at least one conference with which the document is associated* was not described in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7, 8, 27, 31 and 33 are rejected under 35 U.S.C. 102(e) as

anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over

Namikata et al. [USP 5,996,003].

Regarding claims 1 and 27, Namikata teaches a computer implemented

collaboration system comprising:

a data management tier including at least one data source (FIG. 1, DOCUMENT

STORING UNIT 3);

a repository tier including at least one repository server associated with said at least one data

source (INFORMATION MANAGEMENT CONTROL UNIT 1 and SELECTING UNIT 4,

Col. 4, Lines 10-22 and 30-32) *and enabled for*

accessing data items within said at least one data source (Col. 4, Lines 30-32)

using access methods native to said at least one data source (Col. 4, Lines 38-44) *to create*

at least one document including data items selected from said at least one data source (Col. 4,

Lines 30-32, and 36-37), *said*

at least one document being associable with at least one conference accessible to a plurality of

participants (Col. 4, Lines 52-60);

a user interface tier including at least one client tool enabled for displaying the data items

within said at least one data source on a user terminal connectable with said computer implemented

collaboration system (FIG. 1, DOCUMENT LIST DISPLAY UNIT 11 and DOCUMENT

DISPLAY UNIT 13, Col. 4, Lines 64-Col. 5, Line 3, Col. 5, Lines 30-35);

a services tier including at least one data channel server associated with said at least one

document, said at least one data channel server being created when said at least one document is

associated with said at least one conference (FIG. 5D, TWO-LAYER STRUCTURE, Col. 5,

Lines 36-41), *said*

 at least one data channel server providing an interface between said at least one repository

server and said at least one client tool (TWO-LAYER STRUCTURE is an interface between

DOCUMENT DISPLAY UNIT and INFORMATION MANAGEMENT CONTROL UNIT);

and

 at least one extended property associated with each data item within said at least one data

source, said at least one extended property being maintained within said at least one data channel

server and available for display by said at least one client tool only within said at least one conference

with which said at least one document is associated (FIG. 5A, telepointer is an extended

property displayed by DOCUMENT DISPLAY UNIT, and maintained by TWO-LAYER

STRUCTURE, Col. 8, Lines 11-56; as in FIG. 9A is the association of extended property

with each data item), *wherein*

 said a least one client tool is enabled to change said at least one extended property associated

with each data item, and wherein changes made to said at least one extended property associated with

each data item in one of the client tool interfaces are reflected in the other client tool interfaces by

changing an instance of said at least one extended property in said at least one conference with which

the document is associated (as disclosed by Namikata, a Pointer ON/OFF button 56 is a GUI

component for switching over, by click operation, between whether or not a pointer

should be displayed to the document display area 53 in the computer of other

participant. FIG. 5A shows a state that the user USER2 operates the common

document display process 42b using the third computer 33 (WS2) and clicks the Pointer

ON/OFF button 56 so that a telepointer 55 corresponding to the pointer of the USER2

will be displayed to the document display area 53 of the common document display

process 42a operated by the user USER1 (Col. 8, Lines 44-56). When the Pointer

ON/OFF button 56 is clicked again, the telepointer 55 is cleared from the document

display areas 53 of the other participants (Col. 9, Lines 1-3). As seen, telepointer as *at*

least one extended property associated with each data item is changed, and the changes made to

telepointer as *at least one extended property associated with each data item* in document display

area as *one of the client tool interfaces are reflected in* other document display area as *other*

client tool interfaces by changing Pointer ON/OFF as *instance of said at least one extended*

property in said at least one conference with which the document is associated).

Regarding claims 2 and 31, Namikata teaches all the claimed subject matters as

discussed in claims 1 and 27, Namikata further discloses *at least one extended property*

comprises one of a visualization property and a control property for use in displaying the data items

with said at least one client tool (FIG. 5A, POINTER ON/OFF, or SYNC ON/OFF).

Regarding claim 3, Namikata teaches all the claimed subject matters as

discussed in claim 1, Namikata further discloses *a plurality of client tools enabled for*

displaying the data items within said at least one data source (FIG. 5B).

Regarding claim 7, Namikata teaches all of the claimed subject matter as

discussed above with respect to claim 1, Namikata further discloses *a conference manager*

client tool enabled for managing communication between multiple user terminals connectable with

said computer implemented collaboration system (FIG. 1, TRANSMITTING UNIT 5).

Regarding claims 8 and 33, Namikata teaches all the claimed subject matters as

discussed in claims 1 and 27, Namikata further discloses *at least one extended property is*

maintained in said at least one data channel server in a directed a-cyclic graphical form (FIG. 9A-B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 5, 6 and 28-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Namikata et al. [USP 5,996,003] in view of Skarbo et al. [USP

6,317,777 B1].

Regarding claims 5 and 28, Namikata teaches all the claimed subject matters as

discussed in claims 1 and 27, Namikata further discloses *a library server providing an*

interface between said query viewing client tool and said at least one repository server (Namikata,

FIG. 1), but fails to teach *a query viewing client tool enabled for use in constructing queries for*

selecting data from said at least one data source meeting particular criteria; a library server providing

an interface between said query viewing client application and said at least one repository server

(Skarbo, FIG. 1B). Skarbo teaches a document-collaboration videoconferencing system

between a first and a second conference attendee (Abstract). Skarbo further discloses *a*

query viewing client tool enabled for use in constructing queries for selecting data from said at least

one data source meeting particular criteria (Skarbo, FIG. 3). It would have been obvious for

one of ordinary skill in the art at the time the invention was made to modify the

Namikata system by including the technique of constructing queries as taught by

Skarbo in order to search for a particular document for the conference.

Regarding claim 6, Namikata and Skarbo, in combination, teach all of the

claimed subject matter as discussed above with respect to claim 5, Skarbo further

discloses *query viewing client tool is enabled for use in constructing at least one of a standing query*

and a static query (Skarbo, FIG. 3).

Regarding claim 29, Namikata and Skarbo, in combination, teach all of the

claimed subject matter as discussed above with respect to claim 28, Namikata further

discloses *query viewing client tool is enabled for use in constructing at least one of a standing query*

and a static query (Namikata, FIG. 5B), *wherein a document representing data items selected as a*

result of a standing query is updated when the selected data items change (Namikata, Col. 18,

Lines 52-61).

Regarding claim 30, Namikata and Skarbo, in combination, teach all of the

claimed subject matter as discussed above with respect to claim 27, Namikata further

discloses *a conference manager client tool enabled for managing communication between multiple*

user terminals connectable with said computer implemented collaboration system , each said document

being placed within a conference managed by said at least one conference manager client tool (FIG.

1, TRANSMITTING UNIT 5).

Claims 4 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Namikata et al. [USP 5,996,003] in view of Simonoff [USP 6,463,460 B1].

Regarding claims 4 and 32, Namikata teaches all the claimed subject matters as

discussed in claims 3 and 27, but fails to disclose *client tools include a list viewer, a map*

viewer, and an X-Y data plotter. Simonoff teaches a *client tool include a list viewer, a map viewer,*

and an X-Y data plotter (Simonoff, FIG. 4). It would have been obvious for one of ordinary

skill in the art at the time the invention was made to include a list viewer, map viewer

and X-Y data plotter as taught by Simonoff in order to visualize data for a conference.

Claims 9 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Namikata et al. [USP 5,996,003] in view of Goldberg et al. [USP 6,430,556 B1].

Regarding claims 9 and 34, Namikata teaches all the claimed subject matters as

discussed in claims 1 and 27, but fails to discloses *at least one repository server, said at least*

one client tool, and said at least one data channel server are implemented within a CORBA framework.

Goldberg teaches CORBA for implementing query tool (Goldberg, FIG. 4). It would have

been obvious for one of ordinary skill in the art at the time the invention was made to

use CORBA to implement query tool in order to query distributed object over the

network.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E. BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

HUNG Q PHAM
Examiner
Art Unit 2162

September 15, 2005

SHAHID ALAM
PRIMARY EXAMINER